

1903-018 Chancery Causes: Asgn. of M. G. Ely vs. Adm. of W. C. Hobbs to
Lee Co.

Crockett, Milham, Ramsey

CA-Debt
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court of
Lee County: Virginia:

Humbly complaining, sheweth unto your honor, your complainant,
William A. Crockett, assignee of M. G. Ely, a creditor by simple
contract of W. C. Hobbs, now dec. on behalf of himself and all other
creditors of the said W. C. Hobbs; who shall come in and seek relief
by, and contribute to the expense of this suit, ^{that} the said W. C. Hobbs
was justly and truly indebted to M. G. Ely, in the sum of \$25.00 due
by promissory note, executed on the 25th day of March 1898, and
due one day after date, payable to the order of M. G. Ely and
waiving the Home-stead exemption; that said M. G. Ely on the 26th
day of April 1899, sold and assigned, indorsed and transferred for
valuable consideration, said note to your complainant, William A.
Crockett, by written indorsement thereon; said note and indorsement
is here filed, marked exhibit "A" and prayed to be treated as part
of this bill.

Your complainant alleges, that said debt is yet due, owing and
unpaid to him; that the said note was not paid to M. G. Ely by W. C.
Hobbs in his life time or by any one to said Ely for said Hobbs
since his death, nor has the same been paid to your complainant
since the assignment to him by W. C. Hobbs, his administrator or
any other person for him or them.

That the said W. C. Hobbs was in his life time and at the time
of his death possessed of considerable personal estate to an amount
sufficient to have paid all his just debts and funeral expenses; that
he was also entitled to, seized and possessed ^{considerable} real estate, contain-
ing _____ acres, situated in Lee County, Va., near Rose Hill and
adjoining the lands of your complainant, _____ Campbell and
others.

That the said W. C. Hobbs being so seized and possessed, depart-
ed this life on or about the _____ day of _____ 189__ leaving a widow,
Harriet Hobbs and Lizzie Ramsey nee Hobbs, Arch Hobbs, Obi Hobbs,
Florence Hobbs and Fred Hobbs, the last four of whom are infants,
his children and heirs at-law, who are entitled to such of his estate
as may remain after the payment of all debts, expenses of administration

&c; that due administration of the estate of the said W. C. Hobbs, dec. was duly granted by the County Court of Lee County, to W. J. Mileham Sheriff &c for administration.

Your complainant alleges that the said W. C. Hobbs, sometime before his death, made and executed to his wife, Harriet Hobbs, a deed, whereby he conveyed to her all his real estate and personal property, in consideration that she pay all his debts; an attested copy of said deed is here filed marked exhibit "B" and asked to be treated and made part of this bill.

Your complainant alleges that said conveyance operates as a trust deed for the benefit of himself as one of the creditors of the ^{estate} W. C. Hobbs, dec. and that his said debt by reason of the terms of the said deed, is a binding charge and lien upon the said lands in the hands of Harriet Hobbs, she never having paid your complainant's said debt as she undertook to do by accepting said deed; but if mistaken in this view, your complainant prays that the said deed be set aside and that ^{said} lands or enough thereof be sold to pay your complainant's said debt, and all other debts binding against said land or owing by the estate of W. C. Hobbs, dec.

Your complainant does not know of any other debts against said estate, to the end therefore that justice may be done in the premises, your complainant prays that the said W. J. Mileham administrator of the said W. C. Hobbs dec. Harriet Hobbs, Lizzie Ramsey, Arch Hobbs, Obi Hobbs, Florence Hobbs, the last four being infants, be made parties defendant to this suit and answer the same, but not on oath that being waived; that a proper guardian ad litem be appointed or assigned to defend the interests of the infant defendants; that an account may be taken, if necessary, under the decree of this honorable Court of all the debts due and owing by the said W. C. Hobbs at the time of his death and all the debts which are liens against the said land; that your honor will decree that complainant's said debt is a lien against said lands by virtue of the undertaking of Harriet Hobbs to pay said debt and accepting said deed, or the said deed be set aside and said lands or enough thereof be decreed to be sold to pay the complainant's said debt as a ~~simple~~ simple contract

^{debt}
against said estate; ~~that~~ order of publication be made, posted and
published against the non-resident defendant.

And your complainant prays for all other and ^{fur}ther relief
generally, that the nature of his case may require or to equity
seem meet.

And your complainant ~~x~~ will ever pray &c.

m. y. Ely, P. Q.

\$25⁰⁰

March 25th 1898

One day after date I promise to pay to
the order of M. G. Ely.

Twenty five Dollars

at waiving my homestead exemption as to
this debt, VALUE RECEIVED.

No

Due

W. C. Hobbs

W. E. Hobbs

To \$ note 7:50⁰⁰

M. G. Ely

For value received I assign
the within note to W. A.

Lesopett, This, Apr 18

26th, 1899 -

M. G. Ely

Plffs Costs

Clerk 4.69

Tax 1.50

Shelf .50

attly 5.00

G.A.L. 5.00

\$16.69

Printer 6.20

\$22.89

1867

Wm A. Crockett orig

vs. Bill in Chancery

W. J. Milham admsr

1903 2nd May rules Bill

filed as to W. J. Milham

& O.P. as to other debts

" 1st June rules O.P.

Complete & Cause

Set for hearing

July Term 1903 Deere

final see Chy O.B. No 7

Page 304

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
of Lee County Virginia:

The answer of Arch, Obi, Florence and Fred Hobbs, infants
under the age of twenty-one years, by Geo.P.Cridlin, their
guardian ad litem assigned to defend them in this suit, to a
~~amended~~ bill filed against them and others by William A. Crock-
ett, assignee of M.G.Ely, in the Circuit Court of Lee County.

Respondents reserving to themselves the benefit of all
just exceptions to said bill, for answer thereto, or to so
much thereof as they are advised it is material they should
answer the same, by their said guardian ad litem, and *answer*
and say:-

That they are infants of tender years, and by reason of
their infancy, are incapable of understanding, or of taking
care of their rights and interests. They therefore, by their
said guardian ad litem, commend themselves and their rights
and interests to the protection of the Court, and pray that
no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to
be hence dismissed with their reasonable costs in this behalf
expended, and they will ever pray &c.

Geo. P. Cridlin
Guardian ad litem for Arch, Obi,
Florence and Fred Hobbs.

Sworn to before me by Geo.P.Cridlin, guardian ad litem
for Arch, Obi, Florence and Fred Hobbs. This the 17th day
of April, 1903.

A.B. Munroe
Clerk Circuit Court Lee County, Va.

Wm A. Crockett assignee
vs. { In Chancery

W. J. Milham, aduer.^{se}

G. A. L. Answer

Filed 2nd May
Rules 1903

A. B. Munsey Clerk

G. A. L. fee \$5.00

Wm.A.Crockett Assignee of M.G.Ely,Plaintiff,

Against) In Chancery,

W.J.Mileham Admr. and others.,defendants,

This cause came on this day to be heard upon the bill of Conplainant the answer of the Guardian ad Litem,duly sworn to for the infant defendants,and process duly executed on W.J.Mileham and order of publication duly posted and published against the non-resident defendant,generalreplication to answer of Guardian ad litem ,and was argued by counsel:

On consideration of which it being stated that the debt in controversy has been paid since the institution of this suit, and by agreement of the parties,it is adjudged ordered and decreed that the Plaintiff recover of the defendant,Harriet Hobbs the costs of this suit *which is this day paid* ~~to be taxed by the Clerk for which execution~~ ~~may issue~~,and nothing further remaining to be done this cause is stricken from the docket.

Wm A. Crockett vs
vs. { Deere ~~Finch~~
W. J. Mikheani admr etc
Entered C. B. T. P. 304

Enter this

H. W. Stone

Jan'y 6th. 1903.

In the Clerk's Office of the Superior Court of the County of
Lee

Wm. A. Lockett, Assignee of M. G. Ely Plaintiff,
against

Wm. J. Milham admr. of the estate of
W. B. Hobbs deceased et al Defendant & .

In Chancery

This day M. G. Ely personally appeared
before me, A. B. Munsey Clerk of the said Court,
and being duly sworn, made oath that Harriett Hobbs and Lizzie Ramsey

defendant in the said suit are not resident & of the State of Virginia,

Given under my hand as Clerk of the said Court, this 18th day of March 1803

A. B. Munsey Clerk

Wm. A. Crockett assignee

vs. }

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Harriet Hobbs et al

M. L. Ely

p. q.

Filed March 18, 1903
A. B. Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 18th day of March 1903.

M^r A Crockett Assignee of M. G. Ely Plaintiff
against

In Chancery

Harriett Hobbs et al Defendant\$

The object of this suit is to Convene the Creditors of the estate of
M. G. Hobbs, deceased, to set aside a deed made by M. G. Hobbs
before his death to his wife Harriett Hobbs, and subject
the real estate of which he died seized and possessed, described
in said deed, to the payment of his debts

And an affidavit having been made and filed that the defendant\$ Harriett Hobbs and
Lizzie Ramsey
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the South-West
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

M. G. Ely

p. q.

A. B. Munsey

Clerk.

Wm A Crockett Assignee

vs.

{

ORDER OF
PUBLICATION.

Harriett Hobbs et al

I, A. B. Munsey, Clerk
of the Circuit Court
of Lee County, Virginia
do hereby certify that
I posted a copy of
the within order of
publication at the
front door of the
Court house of Lee County
on the first day of
the April term of the
County Court. Given
under my hand this
the 29th day of June 1903.

A. B. Munsey
Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

J. I. Milham Admr.
of the estate of *W. C. Hobbs, deceased, Harriet*
Hobbs, Lizzie Ramsey, Arch Hobbs, Obi Hobbs,
Lourence Hobbs and Fred Hobbs

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *May* 190*3*,

to answer to a bill in chancery, exhibited against *them* in our said Court by

Wm. A. Crockett, Assignee of M. G. Ely

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 190*3* and in the
12 *7th* year of the Commonwealth.

A Copy

A. B. Munsey, Clerk.

Teste: A. B. Munsey Clerk

vs.

}

**SUBPOENA
IN
CHANCERY.**

p. q.

To *Rules*

Lee Circuit Court.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

H. J. Milham Admr.
of the estate of *H. C. Hobbs, deceased, Harriet*
Hobbs, Lizzie Ramsey, Arch Hobbs, Gbi Hobbs,
Florence Hobbs and Fred Hobbs.

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *May* 190*3*,

to answer to a bill in chancery, exhibited against *them* in our said Court by

Wm. A. Crockett Assignee of M. G. Ely

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 190*3* and in the
12 *7th* year of the Commonwealth.

A. B. Munsey, Clerk.

A Copy

Teste: A. B. Munsey Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

W. J. Milham Admr.
of the estate of *W. C. Hobbs, deceased, Harriet*
Hobbs, Lizzie Ramsey, Arch Hobbs, Obi Hobbs,
Florence Hobbs and Fred Hobbs

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *May* 190*3*,

to answer to a bill in chancery, exhibited against *them* in our said Court by

Wm. A. Crockett assignee of M. G. Ely

And have then there this writ, Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 190*3* and in the
12 *7th* year of the Commonwealth.

A Copy

A. B. Munsey, clerk.

Teste: A. B. Munsey Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

H. J. Milham Administrator
of the estate of *H. C. Hobbs, deceased, Harriet*
Hobbs, Lizzie Ramsey, Arch Hobbs, Chas Hobbs,
Florence Hobbs and Fred Hobbs

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *May* 1903,

to answer to a bill in chancery, exhibited against *them* in our said Court by

Wm. A. Crockett Assignee of M. G. Ely

And have then there this writ Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 1903 and in the
12 *7th* year of the Commonwealth.

A copy

A. B. Munsey, Clerk.

Teste: A. B. Munsey Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

W. J. William Adams.
of the estate of *W. C. Hobbs, deceased, Harriet*
Hobbs, Lizzie Ramsey, Arch Hobbs, Elvi Hobbs,
Florence Hobbs and Fred Hobbs

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *2nd* Monday in *May* 190*3*,
to answer to a bill in chancery, exhibited against *them* in our said Court by

And have then there this writ Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 190*3* and in the
12 *7th* year of the Commonwealth.

A Copy

A. B. Munsey, Clerk

Teste: *A. B. Munsey Clerk*

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. J. Mileham Administrator*
of the estate of *W. L. Hobbs, deceased. Harriet Hobbs.*
Lizzie Ramsey. Arch Hobbs. Olin Hobbs. Florence
Hobbs and Fred Hobbs

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *May* 190*3*,
to answer to a bill in chancery, exhibited against *Them* in our said Court by
Wm. A. Lerockett Assignee of M. G. Ely

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 190*3* and in the
12 *7th* year of the Commonwealth.

A. B. Munsey Clerk

Copy for
 W. J. Mileham
 Harriett Hobbs
 Lizzie Ramsey
 Arch Hobbs
 Albi Hobbs
 Florence Hobbs
 Fred Hobbs

W. A. Lockett

US. } SUBPOENA
 IN
 CHANCERY.

Harriett Hobbs et al

M. H. Ely p. q.

To 2nd May Rules

Lee Circuit Court.

Executed May 16th 1908 -
 W. C. Smith D. S.
 for W. J. Mileham
 S. L. G.

**CERTIFICATE OF
ORDER OF PUBLICATION.**

We, C. S. Cox and C. R. Sprinkle,
Editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at Jones-
ville, Lee county, Virginia, do hereby
certify that the annexed notice was
published in said paper once a week
for four successive weeks, commenc-
ing on the 18 day of

April 1903.

C. S. Cox
C. R. Sprinkle } EDITORS.

FEE, \$ 6.20.

Order of Publication.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee on
the 18th day of March, 1903.

W. A. Crockett assignee of }
M. G. Ely Plaintiff }
vs. } In Chancery.
Harriett Hobbs et als Deft }

The object of this suit is to convene the
creditors of the estate of W. C. Hobbs;
deceased to set aside a deed made by W.
C. Hobbs before his death to his wife Har-
riett Hobbs, and to subject the real estate
of which he died seized and possessed, de-
scribed in said deed, to the payments of
his debt. And an affidavit having been
made and filed that the defendants
Harriett Hobbs and Lizzie Ramsey
are not residents of the
State of Virginia, it is ordered that they
do appear here within fifteen days after
due publication hereof, and do what may
be necessary to protect their interest in
this suit. And it is further ordered that a
copy hereof, be published once a week for
four weeks in the Southwest Virginian,
and that a copy be posted at the front door
of the court house of this County on the
first day of the next term of the County
Court.

A copy—Teste:

A. B. MUNSEY, Clerk

M. G. Ely, p. q.

4-11

Certificate of Order of Publication

W. A. Crockett Plff.

vs.

Harriet Habbs et als Defts

Filed June 27th 1903

A. B. Munsey Clerk

Fee \$ 6 ²/₁₀₀